

**Proposed Substitute  
Bill No. 319**

LCO No. 3284

**AN ACT CONCERNING NOTIFICATION TO SCHOOLS OF  
PROTECTIVE OR RESTRAINING ORDERS AFFECTING STUDENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2016*) If any person who is  
2       enrolled in a public elementary or secondary school, including a  
3       technical high school, and (1) listed as a protected person on any  
4       lawful protective or temporary restraining orders, including, but not  
5       limited to, orders issued pursuant to section 46b-15, 46b-16a, as  
6       amended by this act, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r of the  
7       general statutes, as amended by this act, or (2) a person against whom  
8       any such order has been issued, the clerk of the Superior Court shall,  
9       not later than seventy-two hours following the granting of such order,  
10      send, by facsimile or other means, a copy of such order or the  
11      information contained in any such order, to the local or regional board  
12      of education responsible for educating such person and the  
13      superintendent of schools of the school district in which such person  
14      resides or attends school. The superintendent shall maintain such  
15      order and information in a secure location and such order and  
16      information shall be maintained as confidential in accordance with  
17      section 46b-124 of the general statutes. The superintendent shall  
18      disclose such order and information only to the principal of the school  
19      in which such person is a student. The principal or supervisory agent

20 may disclose such information only to special services staff or a  
21 consultant, such as a psychiatrist, psychologist or social worker, for the  
22 purposes of effectuating an appropriate modification of such person's  
23 educational plan or placement, and for disciplinary purposes. If such  
24 order was granted during the school year, such assessment shall be  
25 completed not later than the end of the next school day. Such order  
26 and information with respect to a child under eighteen years of age  
27 shall be confidential in accordance with sections 46b-124 and 54-76l of  
28 the general statutes, and shall only be disclosed as provided in this  
29 section and shall not be further disclosed.

30 Sec. 2. Subsection (g) of section 46b-15 of the general statutes is  
31 repealed and the following is substituted in lieu thereof (*Effective*  
32 *October 1, 2016*):

33 (g) The applicant shall cause notice of the hearing pursuant to  
34 subsection (b) of this section and a copy of the application and the  
35 applicant's affidavit and of any ex parte order issued pursuant to  
36 subsection (b) of this section to be served on the respondent not less  
37 than five days before the hearing. The cost of such service shall be paid  
38 for by the Judicial Branch. Upon the granting of an ex parte order, the  
39 clerk of the court shall provide two copies of the order to the applicant.  
40 Upon the granting of an order after notice and hearing, the clerk of the  
41 court shall provide two copies of the order to the applicant and a copy  
42 to the respondent. Every order of the court made in accordance with  
43 this section after notice and hearing shall be accompanied by a  
44 notification that is consistent with the full faith and credit provisions  
45 set forth in 18 USC 2265(a), as amended from time to time.  
46 Immediately after making service on the respondent, the proper officer  
47 shall send or cause to be sent, by facsimile or other means, a copy of  
48 the application, or the information contained in such application,  
49 stating the date and time the respondent was served, to the law  
50 enforcement agency or agencies for the town in which the applicant  
51 resides, the town in which the applicant is employed and the town in  
52 which the respondent resides. The clerk of the court shall send, by  
53 facsimile or other means, a copy of any ex parte order and of any order

54 after notice and hearing, or the information contained in any such  
55 order, to the law enforcement agency or agencies for the town in which  
56 the applicant resides, the town in which the applicant is employed and  
57 the town in which the respondent resides, within forty-eight hours of  
58 the issuance of such order. If the victim is enrolled in a [public or]  
59 private elementary or secondary school, [including a technical high  
60 school,] or an institution of higher education, as defined in section 10a-  
61 55, the clerk of the court shall, upon the request of the victim, send, by  
62 facsimile or other means, a copy of such ex parte order or of any order  
63 after notice and hearing, or the information contained in any such  
64 order, to such school or institution of higher education, the president  
65 of any institution of higher education at which the victim is enrolled  
66 and the special police force established pursuant to section 10a-156b, if  
67 any, at the institution of higher education at which the victim is  
68 enrolled. If the victim or respondent is a student enrolled in a public  
69 elementary or secondary school, including a technical high school, the  
70 clerk of the court shall send, by facsimile or other means, a copy of  
71 such ex parte order or of any order after notice and hearing, or the  
72 information contained in any such order, to the local or regional board  
73 of education responsible for educating such student and the  
74 superintendent of schools of the school district in which such person  
75 resides or attends school, in accordance with the provisions of section 1  
76 of this act.

77 Sec. 3. Subsection (d) of section 46b-16a of the general statutes is  
78 repealed and the following is substituted in lieu thereof (*Effective*  
79 *October 1, 2016*):

80 (d) The applicant shall cause notice of the hearing pursuant to  
81 subsection (b) of this section and a copy of the application and the  
82 applicant's affidavit and of any ex parte order issued pursuant to  
83 subsection (b) of this section to be served by a proper officer on the  
84 respondent not less than five days before the hearing. The cost of such  
85 service shall be paid for by the Judicial Branch. Upon the granting of  
86 an ex parte order, the clerk of the court shall provide two copies of the  
87 order to the applicant. Upon the granting of an order after notice and

88 hearing, the clerk of the court shall provide two copies of the order to  
89 the applicant and a copy to the respondent. Every order of the court  
90 made in accordance with this section after notice and hearing shall be  
91 accompanied by a notification that is consistent with the full faith and  
92 credit provisions set forth in 18 USC 2265(a), as amended from time to  
93 time. Immediately after making service on the respondent, the proper  
94 officer shall send or cause to be sent, by facsimile or other means, a  
95 copy of the application, or the information contained in such  
96 application, stating the date and time the respondent was served, to  
97 the law enforcement agency or agencies for the town in which the  
98 applicant resides, the town in which the applicant is employed and the  
99 town in which the respondent resides. The clerk of the court shall  
100 send, by facsimile or other means, a copy of any ex parte order and of  
101 any order after notice and hearing, or the information contained in any  
102 such order, to the law enforcement agency or agencies for the town in  
103 which the applicant resides, the town in which the applicant is  
104 employed and the town in which the respondent resides, not later than  
105 forty-eight hours after the issuance of such order. If the applicant is  
106 enrolled in a [public or] private elementary or secondary school,  
107 [including a technical high school,] or an institution of higher  
108 education, as defined in section 10a-55, the clerk of the court shall,  
109 upon the request of the applicant, send, by facsimile or other means, a  
110 copy of such ex parte order or of any order after notice and hearing, or  
111 the information contained in any such order, to such school or  
112 institution of higher education, the president of any institution of  
113 higher education at which the applicant is enrolled and the special  
114 police force established pursuant to section 10a-142, if any, at the  
115 institution of higher education at which the applicant is enrolled. If the  
116 applicant or respondent is a student enrolled in a public elementary or  
117 secondary school, including a technical high school, the clerk of the  
118 court shall send, by facsimile or other means, a copy of such ex parte  
119 order or of any order after notice and hearing, or the information  
120 contained in any such order, to the local or regional board of education  
121 responsible for educating such student and the superintendent of  
122 schools of the school district in which such person resides or attends

123 school, in accordance with the provisions of section 1 of this act.

124       Sec. 4. Subsection (d) of section 46b-38c of the 2016 supplement to  
125 the general statutes is repealed and the following is substituted in lieu  
126 thereof (*Effective October 1, 2016*):

127       (d) In all cases of family violence, a written or oral report that  
128 indicates whether the parties in the family violence case are parties to a  
129 case pending on the family relations docket of the Superior Court and  
130 includes recommendation of the local family violence intervention unit  
131 shall be available to a judge at the first court date appearance to be  
132 presented at any time during the court session on that date. A judge of  
133 the Superior Court may consider and impose the following conditions  
134 to protect the parties, including, but not limited to: (1) Issuance of a  
135 protective order pursuant to subsection (e) of this section; (2)  
136 prohibition against subjecting the victim to further violence; (3) referral  
137 to a family violence education program for persons who commit acts  
138 of family violence; and (4) immediate referral for more extensive case  
139 assessment. Such protective order shall be an order of the court, and  
140 the clerk of the court shall cause (A) a copy of such order to be sent to  
141 the victim, and (B) a copy of such order, or the information contained  
142 in such order, to be sent by facsimile or other means within forty-eight  
143 hours of its issuance to the law enforcement agency for the town in  
144 which the victim resides and, if the defendant resides in a town  
145 different from the town in which the victim resides, to the law  
146 enforcement agency for the town in which the defendant resides. If the  
147 victim is employed in a town different from the town in which the  
148 victim resides, the clerk of the court shall, upon the request of the  
149 victim, send, by facsimile or other means, a copy of such order, or the  
150 information contained in such order, to the law enforcement agency  
151 for the town in which the victim is employed not later than forty-eight  
152 hours after the issuance of such order. If the victim is enrolled in a  
153 [public or] private elementary or secondary school, [including a  
154 technical high school,] or an institution of higher education, as defined  
155 in section 10a-55, the clerk of the court shall, upon the request of the  
156 victim, send, by facsimile or other means, a copy of such order, or the

157 information contained in such order, to such school or institution of  
158 higher education, the president of any institution of higher education  
159 at which the victim is enrolled and the special police force established  
160 pursuant to section 10a-156b, if any, at the institution of higher  
161 education at which the victim is enrolled. If the victim or defendant is  
162 a student enrolled in a public elementary or secondary school,  
163 including a technical high school, the clerk of the court shall send, by  
164 facsimile or other means, a copy of such order, or the information  
165 contained in such order, to the local or regional board of education  
166 responsible for educating such student and the superintendent of  
167 schools of the school district in which such student resides or attends  
168 school, in accordance with the provisions of section 1 of this act.

169 Sec. 5. Section 53a-40e of the general statutes is repealed and the  
170 following is substituted in lieu thereof (*Effective October 1, 2016*):

171 (a) If any person is convicted of (1) a violation of subdivision (1) or  
172 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,  
173 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-  
174 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183,  
175 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of  
176 said sections or section 53a-54a, or (2) any crime that the court  
177 determines constitutes a family violence crime, as defined in section  
178 46b-38a, or attempt or conspiracy to commit any such crime, the court  
179 may, in addition to imposing the sentence authorized for the crime  
180 under section 53a-35a or 53a-36, if the court is of the opinion that the  
181 history and character and the nature and circumstances of the criminal  
182 conduct of such offender indicate that a standing criminal protective  
183 order will best serve the interest of the victim and the public, issue a  
184 standing criminal protective order which shall remain in effect for a  
185 duration specified by the court until modified or revoked by the court  
186 for good cause shown. If any person is convicted of any crime not  
187 specified in subdivision (1) or (2) of this subsection, the court may, for  
188 good cause shown, issue a standing criminal protective order pursuant  
189 to this subsection.

190 (b) Such standing criminal protective order may include, but need  
191 not be limited to, provisions enjoining the offender from (1) imposing  
192 any restraint upon the person or liberty of the victim; (2) threatening,  
193 harassing, assaulting, molesting, sexually assaulting or attacking the  
194 victim; or (3) entering the family dwelling or the dwelling of the  
195 victim.

196 (c) Such standing criminal protective order shall include the  
197 following notice: "In accordance with section 53a-223a of the  
198 Connecticut general statutes, violation of this order shall be punishable  
199 by a term of imprisonment of not less than one year nor more than ten  
200 years, a fine of not more than ten thousand dollars, or both."

201 (d) If the victim or offender is a student enrolled in a public  
202 elementary or secondary school, including a technical high school, the  
203 clerk of the court shall send, by facsimile or other means, a copy of  
204 such standing criminal protective order, or the information contained  
205 in such standing criminal protective order, to the local or regional  
206 board of education responsible for educating such student and the  
207 superintendent of schools of the school district in which such student  
208 resides or attends school, in accordance with the provisions of section 1  
209 of this act.

210 ~~[(d)]~~ (e) For the purposes of this section and any other provision of  
211 the general statutes, "standing criminal protective order" means (1) a  
212 standing criminal restraining order issued prior to October 1, 2010, or  
213 (2) a standing criminal protective order issued on or after October 1,  
214 2010.

215 Sec. 6. Subsection (a) of section 54-1k of the general statutes is  
216 repealed and the following is substituted in lieu thereof (*Effective*  
217 *October 1, 2016*):

218 (a) Upon the arrest of a person for a violation of subdivision (1) or  
219 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,  
220 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section  
221 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order

222 pursuant to this section. Upon the arrest of a person for a violation of  
223 section 53a-182b or 53a-183, the court may issue a protective order  
224 pursuant to this section if it finds that such violation caused the victim  
225 to reasonably fear for his or her physical safety. Such order shall be an  
226 order of the court, and the clerk of the court shall cause (1) a copy of  
227 such order, or the information contained in such order, to be sent to  
228 the victim, and (2) a copy of such order, or the information contained  
229 in such order, to be sent by facsimile or other means not later than  
230 forty-eight hours after its issuance to the law enforcement agency or  
231 agencies for the town in which the victim resides, the town in which  
232 the victim is employed and the town in which the defendant resides. If  
233 the victim is enrolled in a [public or] private elementary or secondary  
234 school, [including a technical high school,] or an institution of higher  
235 education, as defined in section 10a-55, the clerk of the court shall,  
236 upon the request of the victim, send, by facsimile or other means, a  
237 copy of such order, or the information contained in such order, to such  
238 school or institution of higher education, the president of any  
239 institution of higher education at which the victim is enrolled and the  
240 special police force established pursuant to section 10a-156b, if any, at  
241 the institution of higher education at which the victim is enrolled. If  
242 the victim or defendant is a student enrolled in a public elementary or  
243 secondary school, including a technical high school, the clerk of the  
244 court shall send, by facsimile or other means, a copy of such order, or  
245 the information contained in such order, to the local or regional board  
246 of education responsible for educating such student and the  
247 superintendent of schools of the school district in which such student  
248 resides or attends school, in accordance with the provisions of section 1  
249 of this act.

250 Sec. 7. Section 54-82q of the general statutes is repealed and the  
251 following is substituted in lieu thereof (*Effective October 1, 2016*):

252 (a) Upon application of a prosecutorial official, a court may issue a  
253 temporary restraining order prohibiting the harassment of a witness in  
254 a criminal case if the court finds, from specific facts shown by affidavit  
255 or verified complaint, that there are reasonable grounds to believe that



256 harassment of an identified witness in a criminal case exists or that  
257 such order is necessary to prevent and restrain the commission of an  
258 offense under section 53a-151 or 53a-151a.

259 (b) A temporary restraining order may be issued under this section  
260 without written or oral notice to the adverse party or such party's  
261 attorney if the court finds, upon written certification of facts by the  
262 prosecutorial official, that such notice should not be required and that  
263 there is a reasonable probability that the state will prevail on the  
264 merits. A temporary restraining order shall set forth the reasons for the  
265 issuance of such order, be specific in its terms and describe in  
266 reasonable detail, and not by reference to the complaint or other  
267 document, the act or acts being restrained.

268 (c) A temporary restraining order issued without notice under this  
269 section shall be endorsed with the date and hour of issuance and be  
270 filed forthwith in the office of the clerk of the court that issued the  
271 order.

272 (d) A temporary restraining order issued under this section shall  
273 expire at such time as the court directs, not to exceed ten days from  
274 issuance. The court, for good cause shown before expiration of the  
275 order, may extend the expiration date of the order for not more than  
276 ten days or for a longer period if agreed to by the adverse party. If the  
277 prosecutorial official files an application for a protective order  
278 pursuant to section 54-82r prior to the expiration date of the temporary  
279 restraining order, the temporary restraining order shall remain in  
280 effect until the court makes a decision on the issuance of such  
281 protective order.

282 (e) If, on two days' notice to the prosecutorial official or on such  
283 shorter notice as the court may prescribe, the adverse party appears  
284 and moves to dissolve or modify the temporary restraining order, the  
285 court shall proceed to hear and determine such motion expeditiously.

286 (f) When a temporary restraining order is issued without notice, an  
287 application for a protective order filed pursuant to section 54-82r shall

288 be privileged in assignment for hearing and shall take precedence over  
289 all other matters except matters of the same character, and, if the  
290 prosecutorial official does not proceed with such application at such  
291 hearing, the temporary restraining order shall be dissolved.

292 (g) If the identified witness in a criminal case or adverse party is a  
293 student enrolled in a public elementary or secondary school, including  
294 a technical high school, the clerk of the court shall send, by facsimile or  
295 other means, a copy of the temporary restraining order issued under  
296 this section, or the information contained in such temporary  
297 restraining order, to the local or regional board of education  
298 responsible for educating such student and the superintendent of  
299 schools of the school district in which such student resides or attends  
300 school, in accordance with the provisions of section 1 of this act.

301 Sec. 8. Section 54-82r of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective October 1, 2016*):

303 (a) Upon application of a prosecutorial official, a court may issue a  
304 protective order prohibiting the harassment of a witness in a criminal  
305 case if the court, after a hearing at which hearsay evidence shall be  
306 admissible, finds by a preponderance of the evidence that harassment  
307 of an identified witness in a criminal case exists or that such order is  
308 necessary to prevent and restrain the commission of a violation of  
309 section 53a-151 or 53a-151a. Any adverse party named in the complaint  
310 has the right to present evidence and cross-examine witnesses at such  
311 hearing. Such order shall be an order of the court, and the clerk of the  
312 court shall cause a certified copy of such order to be sent to the  
313 witness, and a copy of such order, or the information contained in such  
314 order, to be sent by facsimile or other means within forty-eight hours  
315 of its issuance to the appropriate law enforcement agency.

316 (b) A protective order shall set forth the reasons for the issuance of  
317 such order, be specific in terms and describe in reasonable detail, and  
318 not by reference to the complaint or other document, the act or acts  
319 being restrained. A protective order issued under this section may  
320 include provisions necessary to protect the witness from threats,

321 harassment, injury or intimidation by the adverse party including, but  
 322 not limited to, enjoining the adverse party from (1) imposing any  
 323 restraint upon the person or liberty of the witness, (2) threatening,  
 324 harassing, assaulting, molesting or sexually assaulting the witness, or  
 325 (3) entering the dwelling of the witness. Such order shall contain the  
 326 following language: "In accordance with section 53a-223 of the  
 327 Connecticut general statutes, any violation of this order constitutes  
 328 criminal violation of a protective order which is punishable by a term  
 329 of imprisonment of not more than ten years, a fine of not more than ten  
 330 thousand dollars, or both. Additionally, in accordance with section  
 331 53a-107 of the Connecticut general statutes, entering or remaining in a  
 332 building or any other premises in violation of this order constitutes  
 333 criminal trespass in the first degree which is punishable by a term of  
 334 imprisonment of not more than one year, a fine of not more than two  
 335 thousand dollars, or both.". If the adverse party is the defendant in the  
 336 criminal case, such order shall be made a condition of the bail or  
 337 release of the defendant and shall also contain the following language:  
 338 "Violation of this order also violates a condition of your bail or release  
 339 and may result in raising the amount of bail or revoking release.".

340 (c) The protective order shall remain in effect for the duration of the  
 341 criminal case except as otherwise ordered by the court.

342 (d) If a protected witness in a criminal case or an adverse party is a  
 343 student enrolled in a public elementary or secondary school, including  
 344 a technical high school, the clerk of the court shall send, by facsimile or  
 345 other means, a copy of the protective order issued under this section,  
 346 or the information contained in such protective order, to the local or  
 347 regional board of education responsible for educating such student  
 348 and the superintendent of schools of the school district in which such  
 349 student resides or attends school, in accordance with the provisions of  
 350 section 1 of this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2016	New section
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Sec. 2	<i>October 1, 2016</i>	46b-15(g)
Sec. 3	<i>October 1, 2016</i>	46b-16a(d)
Sec. 4	<i>October 1, 2016</i>	46b-38c(d)
Sec. 5	<i>October 1, 2016</i>	53a-40e
Sec. 6	<i>October 1, 2016</i>	54-1k(a)
Sec. 7	<i>October 1, 2016</i>	54-82q
Sec. 8	<i>October 1, 2016</i>	54-82r